

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**WILLIAM SILVERS and WILLIAM
SILVERS ART, INC.,**

Plaintiffs,

v.

Case No: 5:17-cv-169-MMH-PRL

**VERBATA, INC., SEAN MCLAIN,
LISA MCLAIN and KIRK SMITH,**

Defendants.

ORDER

On April 27, 2018, the court issued an order granting Defendants' motion to compel arbitration and stayed the case pending the completion of the arbitration proceedings. (Doc. 96). The court directed the parties to file a status report upon the conclusion of arbitration or if not completed by August 27, 2018, every 120 days until arbitration was completed. (Doc. 96). On July 21, 2021, Plaintiffs notified the court that arbitration had concluded (Doc. 113) and the next day, the court lifted the stay. (Doc. 114).

On July 19, 2021, Plaintiffs filed a petition to confirm the arbitration award in the Central District of California. (Doc. 119-1). Defendants Verbata, Inc., Sean Mclain, and Lisa Mclain then filed a motion to transfer the petition to the Middle District of Florida. (Doc. 119-2).

On September 28, 2021, Defendants Verbata, Inc., Sean Mclain, and Lisa Mclain filed a motion to vacate or modify the arbitration award in this district. (Doc. 117). On September 29, 2021, they filed a motion to file the arbitration transcript under seal in this district (Doc. 118) and filed another motion to vacate the arbitration award in the Central District of

California. *Silvers et al. v. Verbata, Inc. et al.*, 2:21-cv-05808-VAP-RAOx (C. D. Cal. 2021), at Doc. 33. The Central District of California denied the motion to transfer the petition to the Middle District of Florida and decided to proceed with the consideration of Plaintiffs' motion to confirm the arbitration award and Defendants' motion to vacate the arbitration award. (Doc. 121-1).

Now, Plaintiffs have filed a motion to dismiss the defendants' motions (Docs. 117, 118) as moot in light of proceedings in the Central District of California, or alternatively postpone the briefing on the matter until the proceedings in California are completed. (Doc. 122). Defendants oppose the motion to dismiss as moot but agree that the court should enter an order staying the briefing on and disposition of the pending motions until the proceedings in the Central District of California have concluded. (Doc. 123).

Accordingly, the motion to dismiss as moot (Doc. 122) is denied, but the alternative request to stay the case is granted. The parties should notify the court when the proceedings in California are completed.¹ The Clerk is directed to terminate any pending motions or deadlines and administratively close the case.

DONE and ORDERED in Ocala, Florida on November 17, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record

¹ To reopen the case, the parties must file a motion to reopen. The mere filing of a notice to reopen will not suffice.

Unrepresented Parties